

Commission would affect EEC's future development. The prevalent theoretical preference for strong executive leadership inclines most observers to the view that any weakening of the Commission would make further progress toward economic harmonization more difficult. If the Commission's job is that of a catalyst, this line of reasoning goes, it can function effectively only if it has freedom to take venturesome initiatives, to propose boldly. This year's experience, however, casts some question on that basically plausible analysis. If it had not been for the Commission's boldness last spring, there might not have been a midyear explosion, and agricultural harmonization might now be much further along.

#### SAD NEWS FOR GATT

In Washington, concern over the Common Market deadlock centers on the harm it does to the Kennedy round tariff negotiations in Geneva. EEC's wrangle prevented it from putting forward the agricultural proposals that were supposed to have been submitted on September 16, and there would appear no prospect that this failure will be remedied anytime this year. This could mean a serious loss of negotiating time, since Congress insisted when granting authority for the Geneva negotiations that cuts in industrial tariffs be made conditional on a lowering of EEC's agricultural barriers.

With U.S. bargaining authority running to mid-1967, there will still be leeway for constructive negotiations if EEC can resolve its troubles by early 1966 and then go speedily ahead with the submission of tariff proposals for farm products. If the crisis is not settled rather early in 1966, however, the outlook for a satisfactory outcome of the Kennedy round would dim, because the farm negotiations are bound to be troublesome and lengthy. This, in turn, could have a pronounced impact for a long time to come on world trade liberalization, since the prevailing judgment in Washington is that it will be a long while before another reciprocal trade measure is voted if the high hopes attached to the 1962 act come to nothing.

#### HOLY WEEK AND THE CIVIL RIGHTS DEMONSTRATIONS AT THE CHURCHES

Mr. THURMOND. Mr. President, a number of people from across the country have called my attention to an outstanding sermon delivered by Dr. Robert Strong, minister of the Trinity Presbyterian Church in Montgomery, Ala., on April 11, 1965. This sermon is entitled "Holy Week and the Civil Rights Demonstrations at the Churches."

This sermon has been reprinted and widely distributed across the country, but has not thus far been made available to the Members of Congress to read and to consider. In order that this might be done, I ask unanimous consent to have this sermon by Dr. Strong, who is one of the most eloquent and dedicated ministers in this country, printed in the Record.

There being no objection, the sermon was ordered to be printed in the Record, as follows:

#### HOLY WEEK AND THE CIVIL RIGHTS DEMONSTRATIONS AT THE CHURCHES

Today is Palm Sunday. In our quiet Presbyterian way we also observe the Christian year. At Christmas we lay tremendous emphasis upon the advent of our Lord and on His virgin birth. Now we are thinking of His triumphal entry into Jerusalem. Throughout the week we shall turn our thoughts again and again to the things He did during the

week of His passion, and on Good Friday we shall linger over the climactic events on Calvary where our Saviour bore our sins in His own body on the tree and saved us from eternal death. Next Sunday we shall exult in the great victory He won over the grave and rejoice in the truth that because He lives we shall live also. We always observe Pentecost and the outpouring of the Holy Spirit. In the fall comes Reformation Sunday when we take account of the rediscovery of the Bible and particularly of the doctrine of justification by faith in Christ alone. These are most helpful emphases that the seasons bring round.

Let us return now to consider Palm Sunday and events in Holy Week. In His triumphal entry our Lord presented Himself as the fulfillment of the prophecy of Zechariah who said, "Rejoice, O daughter of Zion, thy King cometh unto thee riding upon an ass. He is meek and He has salvation." On Monday of Passion Week occurred an event that suggests a crisis with which our Montgomery churches are now being confronted. Because it is uppermost in the minds of all church members and certainly in the minds of our people I turn attention to contemporary happenings to consider them in the light of what our Lord did on the Monday before He suffered for us on the cross. I was only to have made just before the announcements a brief statement of the policy of Trinity Church with regard to the civil rights demonstrations that are occurring at many churches in our city. I have decided in view of developments in the past week to devote a major part of the sermon time to a treatment of the situation in which we are involved.

#### QUALIFYING THE WITNESS

I am going to try to say something about the civil rights problem in the United States, in the South, and in Montgomery. Perhaps I am being very bold to try to do such a thing. Here I am a northerner speaking in a southern context. Born in Chicago, Ill., I went through the Chicago school system, being graduated from Morgan Park High School. Our family moved at that time to California. There I attended the University at Berkeley. When we moved back to southern California I went to UCLA, from which I have my bachelor's degree, then to the University of Southern California, where I received the M.A. and Th. M. degrees. I went east to the seminary of my choice, Westminster in Philadelphia, for my Th. B. degree. My doctorate was earned at Temple University. So all my education was in northern schools. And my first pastorate was in the North; for 16½ years I served a congregation in a suburb of Philadelphia. May I even dare to mention that both my grandfathers were the blue in the tremendous struggle which only this past week we remembered in the centennial observance of the surrender at Appomattox. Likely I may be believed when I claim to have no prejudice based on skin color.

I am a northerner but also I am a southerner. To me it has always seemed a strange providence that brought me south. I had, I think, an interesting preparation for the change, a very wide reading in American history, particularly in the Civil War period. Douglas Southall Freeman's great works on Lee and on Lee's lieutenants and many other books about Lee and Jackson as well as Grant and Sherman were a part of that preparation. As I have often said, when I think about Civil War days my blood moves a little faster. That dreadful period of internecine conflict when the ratio of casualties to the number of men engaged was the highest of any war in history was a tremendous period in the life of our Nation.

In 1949 came a call to the First Presbyterian Church of Augusta, Ga. A whole new life began for our family. It is a shock in certain ways for a northerner to come south.

I do not only speak of the climate. It was in mid-September when we moved, and the weather was so hot we just about perished, for our blood was still thick, I guess. I really am speaking about customs. I remember my feeling of amazement when in the waiting room of the railroad station I saw a rail running through the middle of it to separate the whites and the Negroes. I was shaken when I saw two identical water fountains in stores with their racial labeling. At once I became aware of the problem which is segregation.

At First Presbyterian Church this was not too great a problem. Often we had Negroes in attendance. They would come to see the minister they had listened to on the radio. Once when the Fort Gordon Choir was with us a Negro was among them; at the social period afterward our young ladies served him as readily as any other member of the choir. I was told that until 15 years before there had been Negro members of the church, the last remnants of slave families which in large numbers had belonged to that historic church where, by the way, our denomination held its first general assembly.

Now I have lived in the South for 15½ years. I have been close to the situation and have studied it with attentiveness. I shall offer some comments about the history of the problem in order to lead up to the discussion of what our own church now faces.

#### ORIGIN OF SEGREGATION

As I read the story of early times, and as I see life in the South, I come more and more to the conclusion that one cannot possibly understand the South unless he has lived here for a period of years. The observer must become aware of the psychology of the South, a psychology which is in part the result of the tremendous historical developments that have been seen in the past 150 years.

First of all reference must be made to slavery. To work the plantations in the South the black man was needed, or it was thought that plantations could not be managed without his labor. The Yankee trader went over to the west coast of Africa and bought from African chiefs those members of the tribe the chief would sell or the captives his tribe had taken in their wars and raids upon neighboring tribes. It should be understood that the black headmen of Africa were just as responsible as the white trader for the slave trade. It was black turning against black as truly as white exploiting black that we had the monstrous iniquity of the slave trade.

The Civil War came in all its inevitability. Who said that wars don't decide anything? They certainly do. The Civil War decided that this country would be a united nation whatever anybody wished. That is a settled fact upon which there has been no possible debate since 1865. It was decided that slavery would never any longer characterize the social pattern of America. But how ridiculous it was to suppose that the psychology of the Southern slave society would quickly vanish. The master-slave attitude was the perhaps unfortunate legacy of the decades of the slave era.

Then came the Reconstruction period. At bayonet point legislatures were elected and put into the State capitols that included large numbers of Negroes who were completely unable to legislate, who were the pawns of the northern masters, who in their arrogance and incompetence outraged white southerners. Foolish laws were passed. Bond issues were voted whose proceeds went to enrich many a northern politician and carpetbagger; heavy debts were saddled upon the Southern States, not for generations to be paid off. A desperate poverty prevailed in the Southern States. A great resentment lay in the hearts of southern citizens and

October 15, 1965

a determination arose never to allow such a state of affairs to recur.

In this psychology is to be found the origin of the concept of white supremacy. The phrase has obvious reference to a political role. When in the Hayes-Tilden standoff in the election of 1876 a compromise behind the scenes was reached, it gave the election to the Republican candidate Hayes, though Tilden had actually won the election, and it was agreed that the northern troops would be withdrawn and the Southern States would resume internal autonomy. Immediately they asserted and since they have maintained white legislative and executive supremacy. You have told me that the effect of that period of history has been a continuing factor in the conditioning of the psychology of the South. I am convinced that this is true.

The relationship between the races is complicated, of course, by the fact that here as nowhere else in America exists the problem of the near equality of numbers of the races.

The article which appeared in last week's Saturday Evening Post written by a southern Baptist minister entitled "Integration Could Destroy Rural Mississippi" is one that everybody in the United States ought to read. It sets forth the racial problem as it is faced in many parts of the South. Granted that it is a description of the problem in its most aggravated form. Still it sets forth a line of reasoning which needs to be taken into account, one which I have used myself in seeking to interpret the southern situation when challenged in the North and other places to which I have traveled for an explanation of the southern attitude. However you will explain it, however you may be inclined to condemn it, however you may be willing to assess blame for it, an enormous gap exists between the white population and most of our southern Negroes. To ask for instant integration of these populations is absolutely unreasonable. It is an absolutely unworkable idea. The cultural gap, the moral gap, the educational gap, the psychological gap, the hygienic gap are real. The bridging of this gap will be a long, slow process; the effort to accomplish this is just as much the responsibility of the Negro leadership and those in the upper level of life in the Negro community as it is that of the white leadership and citizenry.

#### THE ENLIGHTENED SOUTHERN ATTITUDE

This is not to evade the point that many of you have made to me again and again that the southern white population deserves a heavy portion of blame. You have told me that the education of the Negroes has been neglected. You have confessed that only the pressure of threatened or actual judicial action and of Federal legislation has prompted the remarkable school building programs and the improvement of the educational system across the South for the Negro folk. Travel in Mississippi and in Alabama and you will be amazed at the beautiful, modern schools that have in these last 15 years been erected for the Negro young people. You have told me and deplored it and deplored the fact of it that there has been a terrible discrimination in many counties in the South about registering Negroes for voting. They have been differently handled from the whites all too often. Many of you have said to me that it absolutely must no longer be that discriminatory tests be imposed upon the Negro when he comes to register, but that he must be treated just exactly like a white person who seeks the right of franchise. You are saying in my hearing that justice must be done throughout the South. The man who is qualified to vote must be allowed to register and to cast an un intimidated ballot.

Several times I have said from this pulpit that the attitude that generally prevails

during these times of tension is greatly to be admired. The civil rights bill of 1964 was resented. Its encroachment upon States rights was denounced; but when it became law, the white southern population with such grace as they could muster bowed to it because it was national legislation. They didn't like it. They had to swallow very hard. But they accepted it peaceably with very few exceptions. This is to the wonderful credit of Alabama and other Southern States. It demonstrates the fact that the white southern population is pervaded by a law-abiding spirit.

Many of you have told me how embarrassing it has been to you to see the way in which recent developments in the race problem have been mishandled. You have deplored the confrontation at the end of the Pettus Bridge. You have told me that you thought it never should have been left up to a mere major of State troopers, but should have been handled in a way that showed statesmanship and an awareness that the whole Nation was watching. The terrible national impression of Alabama that was born when the television cameras exposed the violence of the troopers against the Negro marchers will probably not be erased in our lifetime. This did not have to be. If only sound planning and good judgment had prevailed.

You have told me that you deplore the bombings and all the other acts of violence. You are repelled by them. They disgust and shame you as a part of the region that is blamed out of all reasonableness when these things occur. When similar events happen in other places of the country without this clear racial connotation, they are quickly forgotten. And even when they happen in a racial setting and far exceed in their turmoil and gravity anything that happens in the South, still they are soon forgotten. Nothing like the significance that is attached to a southern incident follows upon such events as the dreadful riots in the northern cities during the summer of 1964.

Here we are now in a time in which the law has been passed and the courts have upheld it to the requiring of enormous social changes. These changes are being accepted in the South. We know that they have to be accepted. Our schools are being integrated, and so are public facilities. What about the situation in the churches? Is such a policy as is in effect at Trinity Church putting us in a position of rebellion? Are we being maneuvered into a position that is unchristian? Let me try to prepare for an answer to these questions by telling the story of racial demonstrations that have occurred outside Trinity Church.

#### THE DEMONSTRATIONS AT TRINITY CHURCH

Last Sunday, April 4, appeared at our church doors six Negro young people, three boys, three girls. They were met by a few of our officers at the church steps. Our spokesman could not have been better chosen; he was Deacon Winton Blount. Mr. Blount explained to the young people that they had arrived so late for the service that they could not help disturb it if they went in. He said that this late arrival made it all the more obvious that their intention in coming to Trinity Church was not really to worship. He explained the policy of the church that our officers were not willing to permit it to become an arena for sociological causes. The young people turned away.

This incident and the national publicity that was given to it involved us as church officers in an immediate consideration of our position. It was apparent that some felt the problem should be handled in one way and some in another. On Tuesday night a very well attended joint meeting of the session and of the Diaconate was held to discuss this pressing matter. I will say to you that you may be proud indeed of your officers. Not

church meetings on this issue in this city where there were some highly excitable moments. Not one of your officers was intemperate in the way in which he spoke. Every single one of them who took the floor spoke thoughtfully and with restraint. It was obvious that although at times they disagreed with each other they all had one overriding concern, namely, the good of Trinity Presbyterian Church. The discussion went on for over 2 hours. Then the Diaconate withdrew to leave the session to act. It is the session's responsibility to make policy. It cannot evade the responsibility. It cannot pass along to the shoulders of the Diaconate to bear with the session jointly this responsibility. The law of the church is that these sorts of decisions have to be made by the session. The session has always sought to work in closest harmony with the Diaconate. It welcomes the opinions of the deacons. This is why a joint meeting was held. But in the end the session must enunciate the policy. The session modified somewhat the policy that had been previously decided upon.

Before I outline our policy position let me say a word or two about the attitude of Trinity Presbyterian Church toward our Negro friends. There never had been the slightest sense of tension about Negroes in this church until 1954 and the Supreme Court decision about school integration. To this day there is no real opposition to their presence in our church. At weddings and funerals they are found constantly in attendance; the feeling is that this is normal and natural and right. You have told me that they would be welcome at worship if it were genuinely the case that their motive in coming was a desire to seek the Lord. This is the way it has to be, for, as I pointed out at the joint meeting of the Boards the other night, the Book of Church Order of our denomination will be amended at the 1965 general assembly to make it specific that nobody is to be refused admission to worship on the basis of his class or his color. This will be the law of the denomination, and it will have to be obeyed or a congregation will stand in a position of defiance. Trinity Church will never desire to be in defiance of the constitution of the denomination. When the constitution speaks, unless by some strange quirk it has become out of harmony with the Word of God, elders', deacons', members' feelings must yield to the authority of the constitution of the denomination.

#### TRINITY CHURCH POLICY

The session recognizes the foregoing fact and seeks to approach the issue of handling church demonstrators in a way that is not at odds with the constitution in what will be its new form. There is clearly an answer to the question. The point is that civil rights demonstrators constitute a separate case. No present or imminent rule of the denomination has any application to them. At the beginning of the joint meeting I had suggested that it might be expedient simply to admit the demonstrators in the expectation that this would get the matter over with quickly. It was not the feeling of the meeting that this result would be achieved as hoped, and I must admit that the experience of one of our neighboring churches seems to bear out the contention that was made to this effect.

The session decided to stand upon the principle that sociological demonstrators are not sincere in their protestation that they have come to worship and that therefore they are not welcome at Trinity Church. The session is not willing to see this church sanctuary or church plant made an arena of sociological demonstrations or an outsider's means to the end of furthering merely social causes. The session has instructed the deacons to confront people who obviously come for that purpose and to tell them that they are not welcome.

October 15, 1965

## CONGRESSIONAL RECORD — SENATE

26147

ness of State laws and regulations, and local ordinances;

That the sale or other disposition of concealable weapons by importers, manufacturers, and dealers holding Federal licenses, to nonresidents of the State in which the licensee's place of business is located, has tended to make ineffective the laws, regulations, and ordinances in the several States and local jurisdictions regarding such re-arms;

That the United States has become the dumping ground of the castoff surplus military weapons of other nations, and that such weapons, and the large volume of relatively inexpensive pistols and revolvers (largely worthless for sporting purposes), imported into the United States in recent years, have contributed greatly to lawlessness and to the Nation's law enforcement problems;

That there is a casual relationship between the easy availability of firearms and juvenile and youthful criminal behavior, and that firearms have been widely sold by federally licensed importers and dealers to emotionally immature, or thrill-bent juveniles and minors prone to criminal behavior;

That the lack of adequate Federal control over interstate and foreign commerce in highly destructive weapons (such as bazookas, mortars, antitank guns, etc., and destructive devices such as explosive or incendiary grenades, bombs, missiles, etc.) has allowed such weapons and devices to fall into the hands of lawless persons, including armed groups who would supplant lawful authority, thus creating a problem of national concern;

That the existing licensing system under the Federal Firearms Act does not provide adequate license fees or proper standards for the denial of licenses, and that this has led to licenses being issued to persons not reasonably entitled thereto, thus distorting the purposes of the licensing system;

*Be it resolved*, That the International Association of Chiefs of Police urges the Congress of the United States to enact S. 1592, 89th Congress, or similar legislation which would amend the Federal Firearms Act to prohibit, in connection with commercial transactions in firearms, the shipment of firearms in interstate or foreign commerce except between federally licensed manufacturers, importers, and dealers; to restrict the sale of handguns to the residents of the State where purchased; to limit the unrestricted volume of imported surplus military and non sporting weapons; to prohibit sales by federally licensed dealers of shotguns and rifles to persons under 18 years of age, and of all other types of firearms to persons under 21 years of age; to control commerce in large caliber weapons and other highly destructive military-type devices; and to provide adequate licensing standards to assure that Federal licenses to manufacture, import or deal in firearms will be issued only to responsible citizens bona fide engaged in the business licensed.

CONNECTICUT BAR ASSOCIATION,  
Hartford, Conn., October 1, 1965.

Senator THOMAS J. DONN,  
Old Senate Office Building,  
Washington, D.C.

DEAR TOM: At its meeting on September 20, 1965, the council, which is the governing body of the Connecticut Bar Association, voted its approval of Senate bill S. 1592, which was introduced by you and other Senators in the present session. We are writing a letter to all of the Connecticut Representatives and to Senator ABRAHAM RIMCOFF, asking that they support this measure when it comes up for a vote in the Congress.

We hope that you achieve success with this important piece of legislation.

Sincerely,

BERNARD H. TRAGER,  
President.

# MONETARY REFORM AND THE BALANCE OF PAYMENTS

Mr. MUSKIE. Mr. President, as chairman of the Senate Subcommittee on International Finance, I have learned that monetary reform and the balance-of-payments situation are, in themselves, complicated.

If you add to their inherent complexities the intricate relationships among the Common Market countries, you arrive at a puzzling and difficult picture of economics in the Western World.

If we are to achieve a favorable balance-of-payments position, and if we are to maintain our economic vitality and leadership, we must come to grips with the problems of the Common Market.

These problems cast a long shadow over the Kennedy round of tariff talks, the desire to liberalize world trade, and the hope for international monetary reform.

The economic stability and prosperity of the Western World will depend on the course of the Common Market.

The September issue of the Morgan Guaranty Survey, published by the Morgan Guaranty Trust Co., of New York, carries an article, entitled "The Nature of the Common Market Crisis," which analyzes the problems within the Common Market.

I commend this article to my colleagues, and I ask unanimous consent that it be inserted in the Record at this time.

There being no objection, the article was ordered to be printed in the Record, as follows:

## THE NATURE OF THE COMMON MARKET'S CRISIS

President De Gaulle's press conference of September 9 did not in itself create a crisis in the development of the European Economic Community. Nor did the crisis start, as so many reports would have it, with the French decision last June to walk out of the Common Market negotiations in Brussels. The actual causes, rather, go back to fundamental problems and conflicts inherent in the idea of community that were only partially perceived, and certainly not adequately dealt with, at the time the Rome Treaty, EEC's basic document, was written.

What General De Gaulle has now done with acute precision is to spell out the problems and define the conflicts. Despite the dismay his action has stirred, it could well have the outcome of ultimately putting relations among the six on more certain and less troublesome footing.

EEC's crisis has less to do with the particulars of economic policy than with the fundamental issues of constitutional form and the lodgment of ultimate power. What is involved most crucially is the Community's momentum toward becoming a political entity above its member nations. This, declared General De Gaulle, is unacceptable to France because it threatens French sovereignty.

He might have noted that it likewise threatens the sovereignty of each of the five other members, and might have asked—since rhetorical questions are not out of place in his press conferences—whether any or all of them were more ready than France to sign and seal the substantial surrender of autonomy which the erection of a supranational authority would demand. The general was issuing, in other words, not so much an ultimatum as an invitation to his fellow heads of state in EEC to think through one more

time the conditions on which the economies of their countries are to be harmonized.

All this was no more than realists in the Common Market had reason to expect. Where the French leader joined even the realists was in his strong implication that the Rome treaty must be rewritten. France, he indicated, would require removal of "basic errors" and "ambiguities" from the treaty before it would be willing to go any further with the work of harmonization.

That work has been at a virtual standstill since last June 30, when French Foreign Minister Couve de Murville abruptly ended a session of EEC's Council of Ministers that was laboring to reach agreement on the knotty issue of the Common Market's financing arrangements for agriculture. On the basis of a previous understanding among the Six, those arrangements—involving member country payments into and receipts from the Agricultural Guidance and Guarantee Fund—were to have been worked out by June 30. The failure of the Council to meet the deadline, said the French, was the reason for their walkout.

Important as agricultural matters are to France and its farmers, and anxious as the French were to reach an agreement, close observers of Common Market affairs tended at the time to doubt the completeness of that explanation. Negotiations beyond deadlines, it was pointed out, have become commonplace for EEC. Moreover, sharp though the farm differences were, it seemed clear to most that the possibilities of compromise had not been exhausted, nor even fully explored, and that in time a solution would have been found.

As President de Gaulle's statements have now made clear, it seems far more likely that even in June, France had decided that the time had come to face the crucial issue of supranational trend. In fact, with the effective veto power of individual member countries over major decisions scheduled by the Community's timetable to end next January 1, there exists widespread conviction that General de Gaulle might well have been forced to create a critical issue sometime this year if one had not presented itself. "Sooner or later," he declared, "the crisis was inevitable." With the transition to majority voting getting near, "sooner" presumably seemed better.

In any event, the end of June would have ushered in a period of enforced repose for the Community. The vacation period was on hand, and looming beyond that were the complications of the German national election in September and the French one in December. The French, meanwhile, could proceed with reasonable confidence that delay in fixing the terms of EEC's agricultural financing wouldn't necessarily mean that any less money would ultimately flow to France, since in practice there is a time-lag of many months in disbursements. Nor should it have distressed the French Government that postponing agricultural agreement meant further loss of time for the Kennedy round of tariff negotiations. Paris right along has been distinctly cool toward U.S. determination to get EEC to lower its farm import barriers.

At the center of the controversy, quite obviously, is the gut issue of how much political federalism the Community is to have, if any. Is the absolute sovereignty of each of the Six to remain untouched, or is the Common Market to evolve in the direction of political federation, with its institutions (its executive body and its parliament in particular) wielding political authority which is independent of that possessed by the individual member countries?

The latter course was clearly in the minds of some of the Community's original sponsors and was the chief reason for the enthusiasm with which the U.S. Government sup-

26148

## CONGRESSIONAL RECORD — SENATE

October 15, 1965

ported EEC from the start. It is precisely the concept which President de Gaulle is now challenging. "Nothing," he declared on September 9, "which is important at present in the organization, and later in the operation of the Common Market of the Six, should be decided and, even more, applied, except by the responsible public authorities in the six states; that is, the governments controlled by the parliaments."

While perhaps not so explicitly stated before, this has long been President de Gaulle's view. It has, moreover, numerous other adherents in Europe, a fact which tends to be underappreciated but which is vitally important in trying to assess the probable outcome of EEC's present crisis. There is rather wide agreement, actually, that few countries of Europe, big or small, have reached a stage where they are psychologically ready to abide by majority votes on economic issues other than the most trifling.

## AGRICULTURE AND MUCH MORE

Although the squabble over agricultural financing is clearly of subordinate importance in the present controversy, its details and its chronology help illuminate what the fight is really all about. The origin of the trouble traces back to 1962, when as a condition for agreeing to further industrial tariff cuts, the French insisted that a start be made on a common agricultural policy. Among other things, agreement was reached at that time on a formula under which member countries would make payments into and withdraw money from an Agricultural Guidance and Guarantee Fund. The formula penalized farm imports from non-member countries, the intent being to encourage and subsidize agricultural production within EEC.

This arrangement covered only a 3-year period. Thereafter, a new formula, to be worked out no later than June 30, 1965, was to cover the remainder of EEC's transition period, which runs through 1969. In December 1964, anticipating the approaching deadline, the Council of Ministers instructed the Community's nine-man executive Commission to draw up and submit proposals for continuing the Fund's operations. The Commission also was asked to investigate how receipts from EEC's common external tariff, scheduled to go into effect July 1, 1967, might be used to replace payments to the Community's budget from national treasuries. It was from this latter request that the whirlwind blew.

## STRETCHING THE MANDATE

In carrying out its assignment, the Commission made the fateful decision to construe its mandate in exceptionally broad terms. Besides providing a new formula for operating the Agricultural Fund, it proposed eventual transfer to the Community's coffers of all proceeds flowing from the common external tariff. Although provision was made for the redistribution to national governments of revenues in excess of normal Community needs, one very significant consequence of this arrangement would have been to make budgetary discipline over the Commission by member countries far more difficult.

Predictably, this was a highly controversial recommendation, since even previously the executive body's budgets had been a source of considerable friction. Still more sensitive was the Commission's suggestion that the EEC parliament in Strasbourg—an institution that draws no real power from the Rome treaty—assume partial authority over the Community's budget—and thus, in effect, the potential for materially influencing Common Market affairs.

The Commission's recommendations, formally submitted to the Council on April 1 of this year, triggered immediate opposition from the French. They angrily protested the coupling, in an omnibus package, of nonfarm proposals with those relating to agricultural

financing, emphasizing that only for the latter, and for nothing else, was there a June 30 deadline.

The French thought they perceived the Commission's strategy, and they found it offensive. They believed the Brussels group was counting on France to swallow a measure of distasteful integration because of its special interest (as EEC's most important agricultural nation) in getting the details of farm financing settled. Reportedly, the implied suggestion that France might compromise its sovereignty for financial considerations was particularly infuriating to President de Gaulle.

Despite the strong protest from Paris, the Commission—in what is now regarded as a serious miscalculation of its strength—proceeded to try to line up support for its package. In May it sought and won the backing of the Strasbourg Parliament for its proposals, a tactic which could only add to the displeasure which the French already felt.

Since there is no public record of debate within the Council of Ministers, the precise position taken on the package by each of the Community's members other than France is not known with certainty. The Dutch, who consistently have been the most federally minded among the Six, unquestionably provided the Commission's strongest support; beyond that, generalizations are risky. Italy, hardest hit of all by the financing formulas applicable from 1962 to 1965, seems to have been principally preoccupied with winning concessions on the matter of contributions to the Agricultural Fund.

The dialog between France and Germany on the Commission's proposals presents, in retrospect, something of a puzzle. On the basis of conversations between the French and German Under Secretaries of State, the French toward the end of June were operating on the assumption that they had reached satisfactory agreement with Bonn on essentials. Then, on June 30, the deadline date, the German Bundestag passed a resolution supporting the Strasbourg Parliament's desire for budgetary power. This abruptly altered the complexion of the Council's deliberations, again giving primacy to the supranational issue, which had been tending to recede into the background. Probably the Bundestag's action, more than any other single event, was what prompted Couve de Murville to break off discussion at 2 a.m. on July 1.

Had agricultural financing alone been the issue, it seems highly improbable that any such outcome would have occurred. Italy and France, it is true, differed quite sharply on the length of the period for which financing arrangements were to be set. Germany, moreover, had introduced some complicated economic requests during the Council sessions of June 28 and 29. But there had been considerable progress, and just before the Bundestag's move the general expectation of close observers of the Brussels negotiations was that a way of compromising differences on financing would be found—perhaps not by the midnight deadline on the 30th but probably with only a short extension.

A settlement covering agricultural financing alone would have been strongly displeasing to the Dutch, whose legislature had instructed its Government not to agree to a plan for farm financing which did not allow for a strengthening of the powers of the Strasbourg Parliament. But the prevailing belief was that even that problem might have been circumvented by the Council through some mildly worded declaration of eventual intent to consider changes in Parliament's status. Conceivably the Dutch might have balked at such a maneuver, but a position of intransigency would have been difficult for them to maintain had the other five members come to agreement.

But the Bundestag's unexpected vote of support for the parliament's budgetary power

issue of supranationalism would have to be dealt with decisively before Community integration went any further. "Now we know," President de Gaulle declared September 9, "heaven knows that we know—that there is a different concept of a European federation in which \* \* \* the countries would lose their national personalities \* \* \*. The combination—premeditated or not—of the supranational demands of the Brussels Commission, of the support that several delegations declared themselves ready to give them and finally of the fact that some of our partners at the last moment went back on what they had previously accepted, forced us to bring the negotiations to a close."

The issue, then, focuses on the constitutional form the Community is to have and on the location of power within the organizational structure. President de Gaulle is calling for agreement among the Six on the precise limits of the Commission's and the parliament's authority. He clearly is no longer content to rely on anything like a "gentlemen's agreement" that the vote of a majority will not be used to ride roughshod over a dissenting nation's will. Agricultural financing, despite its great importance to France, is secondary, and that is undoubtedly why the French chose to stay away from the July meeting of the Council even though the Commission by that time had belatedly drafted a new set of proposals restricted in essence to agricultural matters.

## WHAT FUTURE FOR EEC?

All sorts of difficulties attend any effort to anticipate when and how resolution will come. The relevant considerations range all the way from purely personal animosities among the individuals involved to profoundly different philosophies of political organization. The only thing that can be said with reasonable safety is that the end of the crisis is at least some months off. The new German Government needs time both to get itself organized and to assess the French demands. The French, meanwhile, are nearing the start of their own election campaign. Thus, the chances are that a resumption of EEC negotiations will be delayed, with no hard bargaining likely for the rest of the year.

Eventually, however, France can be rather sure of getting its Common Market partners to focus on the question of revising the Rome Treaty. Waiting may prove all that is necessary. The agreement reached last April to merge the executive apparatuses of EEC, the European Coal and Steel Community, and Euratom contemplates the writing of a new document unifying the three existing treaties. This would afford France an opportunity to make proposals for eliminating the supranational features of the Rome Treaty which it dislikes.

Since last April's agreement calls for creation of a single executive Commission for the unified Community, the merger when it takes effect should provide some element of a fresh start in relationships between the Commission and the Council of Ministers. Some students of EEC's recent difficulties attach high causal weight to French dissatisfaction with present Commission personnel; with or without new faces, the mere event of unification will give the Commission a chance to get off on a new, more amicable footing with the Council.

In a confrontation as confused and ramified as the present one, anything is possible, including even EEC's eventual disintegration. The chances, however, of such an extreme outcome still seem small. A solid alignment against France on the issue of supranationalism, which conceivably could wreck the Community, is unlikely. Moreover, all EEC members, including France, seem convinced that the Common Market has had a lot to do with their prosperity.

Political scientists are busy noodling over the question of how reduced power for the



when he knows or has reasonable cause to believe that such person is under indictment for or has been convicted of a felony, or is a fugitive from justice. These provisions of the proposed legislation do not address themselves to the question of permits to possess or to use firearms, leaving it to the States and local communities to decide what they need and want in that regard. Thus, for example, while the bill limits the sale of shotguns and rifles to persons who are at least 18 years of age, it does not preclude such persons from using guns if such use is permitted by State or local law.

Third: The bill would raise the annual license fees for a dealer from the present token of \$1 to \$100. It would also establish a license fee of \$250 for a pawnbroker who deals in firearms. Specific standards are established under which an application for a license shall be disapproved, after notice and opportunity for a hearing. The purpose of this provision of the proposed legislation is to limit the issuance of licenses to bona fide dealers. Under existing law, anyone other than a felon can, upon the mere allegation that he is a dealer and the payment of a fee of \$1, demand and obtain a license. According to the Secretary of the Treasury, some 50,000 or 60,000 people have done this, some of them merely to put themselves in a position to obtain personal guns at wholesale. There would be nothing to prevent them from obtaining licenses in order to ship or receive concealable weapons through the mails, or to circumvent State or local requirements.

Fourth: The bill would permit the Secretary of the Treasury to curb the flow into the United States of surplus military weapons and other firearms not suitable for sporting purposes. However, weapons imported for science, research, or military training, or as antiques and curios, could be allowed.

Fifth: The importation and interstate shipment of large caliber weapons, such as bazookas and antitank guns, and other destructive devices would be brought under effective Federal control.

The Subcommittee to Investigate Juvenile Delinquency of the Senate Judiciary Committee has been holding hearings on S. 1592, commencing shortly after the introduction of this legislation. The testimony of witnesses appearing before the subcommittee has generally favored enactment of the legislation, particularly the testimony of witnesses who are concerned with any facet of law enforcement. The principal objections to the legislation seemed to stem from the National Rifle Association and its members. The position of the NRA was commented upon by Attorney General Katzenbach in a statement to the subcommittee on May 19, 1965, excerpts of which appear below:

"This measure is not intended to curtail the ownership of guns among those legally entitled to own them. It is not intended to deprive people of guns used either for sport or for self-protection. It is not intended to force regulation on unwilling States.

"The purpose of this measure is simple: It is merely, to help the States protect themselves against the unchecked flood of mail-order weapons to residents whose purposes might not be responsible, or even lawful. S. 1592 would provide such assistance to the extent that the States and the people of the States want it.

"There is demonstrable need for regulation of the interstate mail-order sale of guns. This bill is a response to that need. It was carefully drafted; it is receiving detailed attention from this subcommittee.

"But, nevertheless, S. 1592 now has itself become a target—for the verbal fire of the National Rifle Association and others who represent hunters and sporting shooters. These opponents feel their views most deeply,

as is evident from the bitterness and volume of their opposition. It is no secret to any Member of Congress that the NRA sent out a mailing of 700,000 letters to its membership urging a barrage of mail to Senators and Congressmen.

"There is no question that the views of the NRA should be heard and given full weight. There is no question that so many people with an interest in gun legislation should have every opportunity to express it. But those views also need to be evaluated and thus I would like now to turn to analysis of the opposition arguments.

"It has been suggested, for example, by Franklin Orth, executive vice president of the NRA, that S. 1592 gives the Secretary of the Treasury 'unlimited power to surround all sales of guns by dealers with arbitrary and burdensome regulations and restrictions.'

"I fear this is an exaggeration flowing from the heat of opposition. The Secretary's regulations must be reasonable. I should think that the reasonableness of the regulations promulgated by the Secretary of the Treasury under the existing provisions of the Federal Firearms Act would contradict the assumption of burdensome regulations.

"Further, the Administrative Procedure Act assures all interested parties of an opportunity to be heard before the issuance of substantive rules and regulations. The NRA and other gun interests have, in the past, taken full advantage of this opportunity and clearly could do so in the future. And still further, the regulations are subject to review and reversal by the courts and by Congress should they be felt arbitrary and capricious.

"It has also been suggested that S. 1592 requires anyone engaged in the manufacture of ammunition to pay \$1,000 for a manufacturer's license. The bill does not do so. It does not cover shotgun ammunition at all, and the license fee for manufacturers of other types of ammunition is \$500.

"It is true that anyone selling rifle ammunition, even .22 caliber, would be compelled to have a \$100 dealer license. Why shouldn't he? He is dealing ammunition for a lethal weapon. The many dealers in ammunition who also sell firearms would not, however, be required to pay an additional ammunition fee. Nor is there anything in the legislation that would, as has been stated, require a club engaged in reloading for its members to obtain a manufacturer's license.

"A further specific objection raised against this measure is that it would forbid a dealer to sell to a nonresident of his State. The objection is stated in a misleading way. The bill does forbid such sales of handguns, but it specifically excepts weapons like rifles and shotguns most commonly used by sportsmen and least commonly used by criminals.

"A similar objection is made on the grounds that the measure would prohibit all mail-order sales of firearms to individuals. While this is an accurate description of the measure with respect to interstate and foreign commerce, the bill would not foreclose now allowable shipments within a State. Any control of such commerce is left to the States.

"One last comment on the specific NRA objections, as expressed in the letter sent to its membership. The letter described this measure as one which conceivably could lead to the elimination of the private ownership of all guns. I am compelled to say that this is not conceivable. I am compelled to say that there is only one word which can serve in reply to such a fear—'preposterous.'

"More generally, I really cannot understand why the legislation we are talking about should seem a threat at all to sportsmen, hunters, farmers, and others who have a productive or necessary or enjoyable interest in the use of rifles, shotguns, or sport-

ing handguns. Nothing that we propose here could intelligently be construed as impairing the employment they derive from shooting.

"This legislation would, indeed, make some changes in the distribution of firearms. It would, indeed, by outlawing mail-order sales of firearms between States, bring about changes in the commercial firearms world. It would, indeed, challenge interests which have thrived on the present state of unregulated chaos. But such a challenge is tragically overdue.

"Which is more significant, the right not to be slightly inconvenienced in the purchase of a firearm, or the right not to be terrorized, robbed, wounded, or killed?

"As the chief law enforcement officer of the United States, I come before you today to ask you to supply the only conceivable answer to that question. I come, with all the urgency at my command, to ask the subcommittee to report this measure favorably and to ask the Congress to enact it without delay."

Two further objections have been made to the proposed legislation. The first that it is unconstitutional, and the second is that, even if enacted, the criminal will still get guns by the simple process of stealing them or buying them from a "gun bootlegger."

With respect to the constitutional issue, both the Secretary of the Treasury and the Attorney General of the United States have affirmed that the bill was carefully drafted to insure its constitutionality. It is the view of the section of criminal law that there is no merit to an objection to the legislation on constitutional grounds. The vast body of authority under the commerce clause supports Federal control of the distribution of firearms by means of interstate commerce. Further, it seems clear that the right to bear arms protected by the second amendment relates only to the maintenance of the militia; that amendment does not prevent the reasonable regulation of interstate commerce in firearms in the interest of public safety. It should be noted that the legislation does not apply to agencies and departments of Federal, State, and local governments.

With respect to the second objection, viz, that, even if the legislation is enacted, it will not prevent the criminal from obtaining a gun, the statement made by the Secretary of the Treasury to the subcommittee is illuminating. Excerpts follow:

"Mr. Chairman, I am happy to appear before your committee in association with my colleague, the Attorney General, and other representatives of the administration in support of S. 1592 to amend the Federal Firearms Act, because I feel that enactment of this piece of legislation is of great importance to the welfare of this country and its citizens.

"S. 1592 is designed to implement the recommendations which the President set forth with respect to firearms control in his message to the Congress of March 8, 1965, relating to law enforcement and the administration of justice.

"The President, in that message, described crime as 'a malignant enemy in America's midst' of such extent and seriousness that the problem is now one 'of great national concern.' The President also stated, and I quote from his message, 'The time has come now, to check that growth, to contain its spread, and to reduce its toll of lives and property.'

"As an integral part of the war against the spread of lawlessness, the President urged the enactment of more effective firearms control legislation, and cited as a significant factor in the rise of violent crime in the United States 'the ease with which any person can acquire firearms.'

October 15, 1965

"The President recognized the necessity for State and local action, as well as Federal action, in this area and he urged 'the Governors of our States and mayors and other local public officials to review their existing legislation in this critical field with a view to keeping lethal weapons out of the wrong hands.' However, the President also clearly recognized in his message that effective State and local regulation of firearms is not feasible unless we strengthen at the Federal level controls over the importation of firearms and over the interstate shipment of firearms. The President advised that he was proposing draft legislation to accomplish these aims, and stated, and I quote, 'I recommend this legislation to the Congress as a sensible use of Federal authority to assist local authorities in coping with an undeniable menace to law and order and to the lives of innocent people.'

"Anyone who reads the papers today or hears the news on radio and television cannot help but be appalled at the extent of crime and lawlessness in this country and at the extent of the loss of lives through the use of weapons in the hands not only of criminals but also juveniles, the mentally sick, and other irresponsible people. Every day the lives of decent American citizens, our greatest national asset, are being snuffed out through the misuse and abuse of firearms by persons who should not have access to them.

"What the bill does is to institute Federal controls in areas where the Federal Government can and should operate, and where the State governments cannot, the areas of interstate and foreign commerce. Under our Federal constitutional system, the responsibility for maintaining public health and safety is left to the State governments under their police powers. Basically, it is the province of the State governments to determine the conditions under which their citizens may acquire and use firearms. I certainly hope that in those States where there is not now adequate regulation of the acquisition of firearms, steps will soon be taken to institute controls complementing the steps taken in this bill in order to deal effectively with this serious menace.

"Since a bureau of my Department is responsible for the administration of the Firearms Act, I am particularly anxious that the changes proposed in the bill with respect to the issuance of licenses to manufacture, import, and deal in firearms be adopted. Under existing law, anyone other than a felon can, upon the mere allegation that he is a dealer and payment of a fee of \$1, demand and obtain a license. Some 50,000 or 60,000 people have done this, some of them merely to put themselves in a position to obtain personal guns at wholesale. The situation is wide open for the obtaining of licenses by irresponsible elements, thus facilitating the acquisition of these weapons by criminals and other undesirables. The bill before you, by increasing license fees and imposing standards for obtaining licenses, will go a long way toward rectifying this situation.

"One misconception about this bill which has been widely publicized is that it will make it possible for the Federal Government to institute such regulations and restrictions as will create great difficulties for law-abiding citizens in acquiring, owning, or using firearms for sporting purposes. This is absolutely not so. Sportsmen will continue to be able to obtain rifles and shotguns from licensed dealers and manufacturers subject only to the requirements of their respective State laws. Indeed, they can travel to another State and purchase a rifle or shotgun from a licensed dealer there and bring it home with them without interference. Only two minor inconveniences may occur for the sportsmen of this country. They will not be allowed to buy a rifle or shotgun without a pistol or concealable weapon, and they will

not be able to obtain a direct shipment from another State of any type of firearm. On this latter point, the inconvenience is more apparent than real because the large mail-order houses have outlets in most of the States and the bill will permit mail-order shipments to individual citizens from these outlets

"These minor inconveniences have been found to be necessary in order to make it possible for the States to regulate effectively the acquisition and possession of firearms. Obviously, State authorities cannot control the acquisition and possession of firearms if they have no way of knowing or ascertaining what firearms are coming in to their States through the mails or, in the case of concealable weapons, by personally being carried across State lines.

"Today, the people of the United States are living under the most ideal conditions which have ever existed for any peoples anywhere on earth. Yet much of this is threatened by the spreading cancer of crime and juvenile delinquency. It is absolutely essential that steps such as those proposed in this bill be taken to bring under control one of the main elements in the spread of this cancer, the indiscriminate acquisition of weapons of destruction. In concluding my statement, may I say that the Department's experience with the existing Federal Firearms Act has resulted in a feeling of frustration since the controls provided by it are so obviously inadequate in the ways that I have indicated. In drafting S. 1562 we have had in mind these inadequacies and now have, we believe, a bill which, when enacted, will provide effective controls without jeopardizing or interfering with the freedom of law-abiding citizens to own firearms for legitimate purposes. I strongly support the enactment of S. 1592.

For a number of years, the section of criminal law has considered that the loose and ineffective controls on the sale of firearms, particularly handguns, has been a contributing factor to the increasing crime rate. At the midyear meeting of the American Bar Association in February 1964, the section recommended to the house of delegates that action should be taken by the association "to draft a uniform State firearms statute and appropriate Federal legislation." During the annual meeting in August 1964, the section presented a program on the subject, "The What, When, and Why of Gun Legislation." Distinguished speakers, including a law enforcement officer, a judge, a private citizen, and representatives of the National Rifle Association explored the subject in depth and detail. Although no formal action of the section followed this panel program, it was clear that the sentiment of the large majority of the members attending the session favored more effective firearms controls.

In summary, in determining whether the American Bar Association should support the enactment of S. 1592, or similar Federal legislation, the following specific questions and answers should be considered:

First: Does the relatively free interstate traffic of firearms contribute materially to the increasing crime rate in the United States? Answer: The available evidence indicates clearly that a considerable number of crimes are committed by persons who have been able to acquire firearms easily, particularly handguns.

Second: It is within the constitutional power of the Federal Government to establish controls on the interstate movement of firearms? Answer: No lengthy legal brief is necessary to show that the Federal Government under the commerce clause is empowered to establish reasonable controls upon the interstate movement of firearms.

chase, possession, and use of firearms, would it be necessary or desirable for the Federal Government to legislate in this area? Answer: Although stringent State and local control of firearms would assist materially in reducing the possession and use of firearms for unlawful purposes, State and local controls cannot be effective unless the Federal Government prevents the relatively free and unimpeded flow of firearms into the several States through the channels of interstate commerce.

Fourth: Are the controls contained in S. 1592 reasonable? Answer: Few persons will interpose reasonable objections to the purpose or to the major provisions of S. 1592. Reasonable men might differ as to the necessity for certain of the specific provisions. For example, it can be argued that the provisions which preclude a licensed retail dealer from selling rifles and shotguns to persons under the age of 18, or from selling handguns to persons under the age of 21, are an unwarranted usurpation of the power of the States and local governments to decide who may possess and use firearms. However, almost everyone would agree that these restrictions are reasonable if firearms are to be kept out of the hands of irresponsible juveniles. Further, it is clear that the control of such sales, even though local in nature, can best be established by Federal insistence, through licensing procedures, that dealers adhere to fixed standards in all of the States. Otherwise, it would be difficult to prevent a juvenile from purchasing a firearm in a State where the sale is permitted, and carrying it to a State where such a sale is prohibited.

The council of the section of criminal law is of the opinion that S. 1592 represents a reasonable and desirable step forward in law enforcement. Although this legislation will cause minor inconvenience to the law-abiding citizen who desires to buy a gun, it will not prevent him from acquiring one. This minor inconvenience is the price that must be paid if the Federal Government is to do its part to assist the States in maintaining effective control over firearms.

For the above reasons, the section of criminal law, acting through its council in accordance with section 6, article VI, of its by-laws, recommends that the American Bar Association support the enactment of S. 1592, or similar Federal legislation.

KENNETH J. HODSON,  
*Chairman.*

RESOLUTION OF THE INTERNATIONAL ASSOCIATION  
OF CHIEFS OF POLICE AT CONVENTION  
ASSEMBLED IN MIAMI, FLA., OCTOBER 7, 1965

Whereas there is in the United States a widespread traffic in firearms moving in or otherwise affecting interstate or foreign commerce, and the existing Federal controls over such traffic do not adequately enable the States to control the firearms traffic within their own borders through the exercise of their police power;

And recognizing that the ease with which any person can acquire firearms (including criminals, juveniles without the knowledge or consent of their parents or guardians, narcotics addicts, mental defectives, armed groups who would supplant the functions of duly constituted public authorities, and others whose possession of firearms is similarly contrary to the public interest) is a significant factor in the prevalence of lawlessness and violent crime in the United States:

That the possession and use of firearms by those engaged in crime and lawless activities aids in the carrying out of such activities and greatly magnifies the tragic and serious consequences thereof;

That the acquisition on a mail order basis of firearms by nonlicensed individuals, from a place other than their State of residence, has materially tended to thwart the effective-

The \$197 for the Navan project was raised by the Texas AFL-CIO. The Women's Democratic Club of Texas gave \$125 for a gas generator. Edward Marcus gave \$250 and Levelland High School gave \$115 to a bridge project. Five Pan American Student Forum Clubs from Wichita Falls gave \$213 to a jungle tribe for chicken wire. Sunset High School of Dallas' PASF Club gave two dye pots to an artisans' center in a mountain village. The PASF Club of Travis High School in Austin raised \$75 for tools for the Picha tribe in the Amazon.

"This program is proving very effective, but it still needs some tightening up," said John O'Donnell, the AID officer in charge of the partners program. "We need to streamline things. There is too much of a gap between the time the project is approved and the time they get the money. We also need to keep the Texans better informed on how their projects turn out."

Carlos Boza said Texans might be happy to hear what the people of Navan did with their tools after they finished their road.

"They held a ceremony and presented the tools to a neighboring town 2 miles away that had no road. Now their neighbors are building a road to connect with Navan."

#### ALL THIS GLITTER REALLY IS GOLD—1800-YEAR-OLD TREASURES ARE HERE FROM PERU

A fabulous treasure of gold, some of it 1800 years old, has been sent by the Government of Peru to Washington to be exhibited this month at the National Gallery of Art.

A glimpse inside the thick-walled vault where the treasure is presently stored produces some of the excitement of an archeologist's discovery. Tables all around the narrow room are crowded with golden objects—not today's heavy, polished gold, but a quite different kind, gleaming dully and most often beaten to an exquisite thinness.

The treasure is both unsaleable and irreplaceable, valued beyond any price by Peru.

In the centuries before Columbus, before the Incas even, when Europe was still in the dark ages, the highly civilized Peruvian Indians made and used these golden ornaments—ceremonial necklaces, huge earrings, wide belts, crowns, nose jewels, bowls and vases, death masks, tiny figures of people and animals.

From October 15 through November 28, the treasures will be on display, mounted on black velvet and dramatically lighted, in the central second-floor rotunda of the Gallery. It will be only the second time in the Gallery's history that an exhibit has been shown there.

Many of the golden treasures have never been outside Peru before, and they have never been exhibited together. Seven different museums, including the Peruvian National Museum of Anthropology, and Archeology, have loaned them for a U.S. tour. After leaving here, they will be shown in Dallas, Cleveland, New York, Seattle, and Kansas City.

The most ancient of the ornaments, only recently discovered, belong to the Vicus culture of the first century A.D. Four later civilizations are also included in the exhibit, ending with the Incas.

One of the Inca kings, Atahualpa, was captured by the Spanish conquistador Pizarro, and offered his captor three rooms full of gold and silver for his freedom.

Students of history will remember that the Spaniard took the ransom but killed the king anyway, hoping to get his hands on even more treasure. This tragic story has been made into a play, which will soon open in New York, perhaps during the time that the Peruvian gold is displayed there.

This and most of the other loot seized by the conquistadors was melted down, since

it had commercial and currency value for the Spaniards, though the Indians valued it only for its ornamental beauty.

Because of the practice of melting, few of the Indian treasures that were transported to Europe remain, and even the Peruvian supply of them is limited, many of them having been discovered through excavations in modern times.

President and Mrs. Lyndon B. Johnson and Peruvian President Fernando Belaunde are honorary patrons for the epic exhibit at the National Gallery.

On Tuesday, another Peruvian cultural exhibit will be opened at the National Collection of Fine Arts in the Museum of Natural History, with Ambassador and Mrs. Pastor acting as hosts to an invited group. This is a photographic exhibit called "The World of Peru," depicting the art, archeology, geography, and industry of the country.

In January, at about the same time as the gold treasures will be in Dallas, the photographs will be exhibited at the University of Texas in Austin, where Lynda Bird Johnson is a student.

Interestingly enough, not only is Mrs. Lyndon B. Johnson a graduate of the university, but so is President Belaunde, and there begins a whole series of links between the United States and Peru.

Texas and Peru are official partners in the Alliance for Progress, and Peruvian cities have a number of sister cities in this country. Cleveland, Ohio, for example, is linked to Lima, and Flint, Mich., is a sister to Trujillo, Peru.

So, the Peruvian Embassy is inviting to the opening parties for the cultural exhibits not only the usual Washington official and cultural society, but also the Congressmen and Senators of the related States and the mayors of the sister cities.

An embassy official explained, "We want to project cultural diplomacy to all regions of the United States to emphasize the common cultural and human values between our people."

The Peruvian program is based on the conviction that these intangible values are essential to the technological and economic relationships of the Alliance for Progress.

Two other cultural exhibits from Peru have already appeared here during the past year: the colonial paintings of the Cusco School, which were displayed at the Pan-American Union, and the children's embroidery from Chignaya, near Lake Titicaca, which was shown at the State Department.

#### ACCOMPLISHMENTS OF 1ST SESSION OF 89TH CONGRESS—A TRIBUTE TO PRESIDENT JOHNSON

Mr. HARTKE. Mr. President, 1 week ago today, our President underwent surgery at the National Naval Medical Center in Bethesda. The prayers of all of us, indeed, of all the free world, went with him and remain with him.

Our anxiety and concern of those we represent in all 50 States have moved us to follow the progress and recuperation of this superlative leader whom we admire and love. We shall—all of us—continue to follow with sincere and warm interest his progress toward the complete healing we wish him in the days ahead as we wind up our own labors in this 1st session, 89th Congress.

The monumental social legislation of the 89th Congress is a tribute to Lyndon Johnson. Already, President Johnson is destined for his mark in history as one of the greatest Presidents—for his own record and his part in ours. He is at once our adviser and guide while inspir-

ing confidence in Government, a superb administrator and brilliant executive. He is a builder of cooperation, earning the admiration of all the free world.

This is not to minimize the role of any one of the 535 Members of Congress. Each of us can point with pride at the total accomplishment of this session and look ahead toward the next with assurance we shall continue to make an even greater record in the next session.

As we put together far-reaching laws and achievements, we did not in this body always agree with one another nor, in every detail, with the President. Yet, regardless of the pressure of the task or the complexity of the problem, regardless of the storms raging throughout the world, our business was disposed of without rancor and bitterness and with dispatch.

Whenever we were counseled by the President, whether we agreed in detail or in general or not at all, it was with fondness and good nature that we accepted the advice. For all of us felt the deep pride that one of us—our former majority leader—was in the White House, and we knew he was doing an outstanding job with his awesome responsibilities.

In any event, this is a good time to take stock—and to look ahead.

We have, for the first time in the recorded history of mankind, committed organized society to the proposition that the poor, the undereducated, the hungry, the ill-housed, the deprived recipients of charity and relief are not self-perpetuating in the fabric of our Nation. Whether we are able to achieve the Great Society or not, the greatness is in the fact that we have made a beginning on an idea—conceived by the President and carried out by the Congress.

We have, for the first time in our own history as a nation, installed a medical program that will assure that every American will have proper care in his old age as a matter of right.

We have begun the tremendous task of cleaning up our lakes and streams and keeping them clean.

We have begun a program of assistance for our schools from first grade through university that will enable more Americans to attain the fullness of their own capacity.

The President himself dramatized these monumental achievements.

Will we ever forget his signing of the education bill in the presence of his own teacher? Who among us could forget the trip to Independence, Mo., for the signing of medicare?

And we will not forget the leader of the free world standing at the foot of the Statue of Liberty telling the whole world we mean what we say on the inscription at that shrine.

Indeed, the ideas, the inspiration, the guidance and the help for these milestones often came from our former colleague.

There is little remaining undone in the program which we and the President have set as our goal for this session. Only a few recommendations remain before us or are due to come before us.

October 15, 1965

Whether we agree in every detail is again not important. Let us, however, work with diligence and dispatch to complete favorable action on the President's remaining recommendations. And let this become our own get-well gift to him.

Mr. YARBOROUGH. Mr. President, will the distinguished Senator from Indiana yield?

Mr. HARTKE. I yield.

Mr. YARBOROUGH. I commend the distinguished senior Senator from Indiana for his beautiful tribute to the President of the United States, a fellow Texan, who is the first citizen of Texas ever to have the honor to serve as President.

I commend the Senator from Indiana for his concise narration and enumeration of the great accomplishments of the 1st session of the 89th Congress.

Mr. HARTKE. I thank the Senator from Texas.

# AMENDMENT OF FEDERAL FIREARMS ACT

Mr. DODD. Mr. President, I would like to place in the RECORD today, for the information of my colleagues, a brief résumé of some of the thoughtful and responsible support which has been given to S. 1592, the amendment I have proposed to the Federal Firearms Act.

The bill, as you know, was developed over a period of more than 4 years by the Juvenile Delinquency Subcommittee with the cooperation and aid of industry, Government agencies, law enforcement officials, sportsmen and others.

It would place a reasonable control over the now wide-open traffic in firearms to criminals, addicts, mental patients, and others who by law should not have them.

In that sense it would merely plug the loophole existing in the present law which allows a felon from one State to travel to another State and purchase a gun, without fear of effective prosecution. And in the same manner, it would prevent the felon from making the illegal purchase via the mail order route.

Senate bill 1592, which is sought by President Johnson as an essential part of his war on crime program, would also clamp strict controls on the importation of millions of foreign military surplus armaments, including bazookas, antitank guns, mortars, bombs, and grenades.

These surplus weapons are now being gobbled up on the American market by criminals, juveniles, and extremists such as paramilitary groups and others who would presume to defend the shores of this Nation with popguns, as it were, when we are invaded by a nuclear power.

There has been opposition to this legislation, and by that I mean an intensive, well financed, and powerful lobby working night and day to see that it is never adopted.

This lobby has distorted the facts, confused the issue, in some cases lied outright to attain its end, the defeat of reasonable firearms legislation. And what is more disturbing, this hard-core lobby represents only a small minority of the American people, the vast majority of

whom want reasonable laws such as this and have repeatedly said so. The public would feel more secure in the knowledge that firearms are difficult to come by for the murderer, the holdup artist, the addict, the mental patient, and the assassin.

This matter has been given serious thought by a number of responsible organizations. Among them are the American Bar Association, the International Associations of Chiefs of Police, and the Connecticut Bar Association.

Each of these groups, after lengthy consideration, unanimously adopted a resolution asking that S. 1592 be made a part of our statutes because of its importance to crime control.

I want to publicly thank the leadership of each of these organizations, along with each member, for doing what he believed right in the face of criticism that has been all too frequently both withering and unreasoned.

Mr. President, I ask unanimous consent that the resolutions adopted unanimously by the American Bar Association and the International Association of Chiefs of Police and the letter informing me of the Connecticut Bar's decision be printed in the RECORD, so that my colleagues may share in their thoughts and deliberations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

## AMERICAN BAR ASSOCIATION SECTION OF CRIMINAL LAW RECOMMENDATION

*Be it resolved*, That the American Bar Association support the enactment of S. 1592, 89th Congress, a bill to amend the Federal Firearms Act, or similar Federal legislation.

*Be it further resolved*, That the section of criminal law be authorized to present the views of the American Bar Association on such legislation to the appropriate committees of Congress.

## REPORT

Federal action directed at the control of firearms originated, for modern purposes of criminal control, in the National Firearms Act of June 26, 1934, which is now set out in sections 5801-5862 of the Internal Revenue Code of 1954. This act, passed in reaction to the gang wars of the prohibition era and the postprohibition crimewaves, was directed at preventing criminals from obtaining firearms, such as machineguns, cane guns, sawed-off shotguns, silencers, and similar weapons, which were particularly suitable for criminal use. The act provides for special licensing taxes on importers, manufacturers, dealers, and pawnbrokers dealing in such arms, imposes heavy transfer taxes on the transfer of such arms, requires the registration of such arms upon transfer, and the registration of persons possessing such arms. Although written as a revenue measure, it was clearly intended to control the criminal commerce in firearms of a criminal character and provided penalties of up to 5 years' imprisonment.

The Federal Firearms Act of June 30, 1938, 15 United States Code sections 901-909, was designed to suppress crime by regulating the traffic in firearms and ammunition, and applied to all firearms. Its legislative history shows particular concern with "roaming racketeers and predatory criminals who know no State lines—a situation beyond the power of control by local authorities to such an extent as to constitute a national menace." *United States v. Platt*, 31 F. Supp. 788, 790 (S.D. Tex. 1940); see hearings on H.R. 5992

before House Committee on Ways and Means, 73d Congress, 2d session (1934). The act requires a dealer to obtain a Federal dealer's license by filing an application with the Internal Revenue Service and paying a fee of \$1. However, because of the simplicity of this requirement and of the other recordkeeping required by the law, this act has been called a "mail-order operation" in itself. Hearings before the Subcommittee To Investigate Juvenile Delinquency of the Senate Committee on the Judiciary, 88th Congress, 1st session, part 14, at 3209 (1963).

The assassination of President John F. Kennedy on November 22, 1963, with a rifle reported to have been purchased by the accused assassin through the mails, brought public and congressional scrutiny to bear on the availability of firearms in the United States through mail orders and other uncontrolled channels of distribution. However, consideration of this problem had preceded that tragic event; concern with juvenile crime in which the use of mail-order weapons was an increasing factor led to hearings by the Subcommittee To Investigate Juvenile Delinquency of the Senate Committee on the Judiciary during early 1963, and legislation directed at the types of weapons used by juvenile criminals was introduced in August 1963 by Chairman Dodd and other members of the subcommittee. The assassination brought the introduction of numerous other bills, the expansion of the Dodd bill, and greater concern about this problem.

S. 1975, 88th Congress, 1st session, was introduced on August 2, 1963, by Senator Dodd for himself and other members of the Juvenile Delinquency Subcommittee, but this proposal was not enacted. Other legislation proposing varying techniques for controlling the interstate shipment of firearms was introduced in the House of Representatives and in the Senate. In addition, resolutions were introduced in the House of Representatives authorizing an investigation of the sale of firearms in interstate and foreign commerce.

On March 22, 1965, Senator Dodd introduced S. 1592, a bill to amend the Federal Firearms Act. A copy of this bill is attached. Basically, the proposed legislation is designed to accomplish the following:

First: It would prohibit the shipment of firearms in interstate commerce, except between federally licensed manufacturers, dealers, and importers. This provision would have the effect of prohibiting the so-called mail-order traffic in firearms to unlicensed persons. It would leave to each State the responsibility and authority for controlling the sale and disposition of firearms within its borders. There are several important exceptions to this general prohibition against interstate shipment. Sportsmen could continue to take their shotguns or rifles across State lines. Pistols could be carried in interstate commerce but only for a lawful purpose and only in conformity with State laws. Further, firearms could be shipped to a licensee for service and return to the sender. However, a nonlicensee could no longer buy weapons from out-of-State mail-order dealers. Sales would be made by retail dealers and would thus be subject to recordkeeping requirements. These records would then have new meaning; they would not be rendered futile by an unrecorded flow of mail-order guns.

Second: Licensed retail dealers would be required to limit sales of handguns to residents of their State who are 21 years of age or older; they would be prohibited from selling any firearm to a person under the age of 18. In accordance with regulations to be prescribed by the Secretary of the Treasury, licensed dealers would be required to ascertain the identity and place of residence of a purchaser. Further, it would be unlawful for a dealer to sell a firearm to any person